

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Claims 1-23 are cancelled without prejudice and new claims 24-29 are added. New claims 24-29 correspond to original claims 1, 7, 12, 16, 20 and 21. New claim 24 has been drafted along the lines of claim 1 except that it has been amended as suggested by the Examiner. Specifically, new claim 24 is limited to preventing recurrence of liver cancer for five years. The claim has also been limited to the species of surgical treatment. The non-elected claims have been cancelled without prejudice to expedite allowance.

In view of the foregoing amendments, the rejection of claims 1-4, and 7-21 under 35 USC 112, second paragraph, as being indefinite for the use of the language "a long period of time" is deemed to be overcome.

In addition, the rejection of claims 1, 3-4 and 7-21 under 35 USC 112, first paragraph, on the basis that the specification is not enabling for treatment of any cancer, is deemed to be overcome.

Thirdly, the rejection of claims 1, 3-4 and 7-21 under 35 USC 112, first paragraph, on the basis that the specification is only enabling for preventing recurrence of liver cancer for five years is deemed to be overcome.

Lastly, claims 1-4 and 7-21 were rejected under 35 USC 103 as being unpatentable over Takayama et al. or Sekine et al. and Chakravarty et al. This ground of rejection is respectfully traversed.

The Takayama et al. reference is a publication of the present inventors, which was published within one year of the U.S. filing date. The reference was published on September 2, 2000. This application was filed on September 4, 2001. Note that September 2, 2001 was a Sunday and September 3, 2001 was a federal holiday (Labor Day).

The co-authors who are not named inventors in the present application were merely working under the direction and control of the instant inventors. Submitted herewith is an unexecuted Declaration, establishing these facts. An executed Declaration will be submitted in

due course. Thus, it is respectfully submitted that the Takayama et al. reference will be removed as prior art under 35 USC 102(a) and 103(a). *In re Katz*, 215 USPQ 14 (CCPA 1982). See MPEP 715.01(c).

Regarding Sekine et al., also a publication of the present inventors, this reference does not disclose or suggest the claimed invention. This reference merely describes the protocol and initial data from a clinical trial. One skilled in the art would have had no reasonable expectation from this article that it could be possible to prevent recurrence of liver cancer for five years, by administering to a cancer patient in need thereof activated lymphocytes, according to the claimed invention.

In view of the foregoing, favorable reconsideration and allowance is respectfully solicited.

Respectfully submitted,

Teruaki SEKINE et al.

By: Warren M. Cheek, Jr.
Warren M. Cheek, Jr.
Registration No. 33,367
Attorney for Applicants

WMC/dlk
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
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